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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,845	03/09/2000	Janos Szanyi	1434A2	3769

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EXAMINER	
PIZIALI, ANDREW T	

ART UNIT	PAPER NUMBER
1771	

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/521,845	SZANYI ET AL.	
	Examiner	Art Unit	
	Andrew T Piziali	1771	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *1-3,5,6,8-11,14,16-18,21,23,26,27,30,32-41,45,49,51-53 and 58-60*.

   Claim(s) objected to: _____.

   Claim(s) rejected: *42-44,54-57,61,62 and 64-66*.

   Claim(s) withdrawn from consideration: *63*.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

3/3/04

ANDREW T. PIZIALI
PATENT EXAMINER

Continuation of 3. Applicant's reply has overcome the following objections and rejections:
The claim objections have been withdrawn due to the amendments to claims 61 and 66. The 35 USC 112 second paragraph rejections have been withdrawn due to the amendments to claims 61 and 66 and the cancellation of claims 44 and 62. The 35 USC 102(e) rejection has been withdrawn due to the cancellation of claim 48.

Continuation of 5. does NOT place the application in condition for allowance because:
Regarding the 35 USC 112 first paragraph rejection of claims 42-44, 54-57, 62 and 64-65, the applicant asserts that specific support for the negative limitations of claims 42 and 54 can be found on page 13, lines 15-35 of the current specification, and more specifically in USPN 5,356,718 to Athey et al. (hereinafter referred to as Athey) which patent disclosure is incorporated by reference into the current specification. The examiner respectfully disagrees.
Athey discloses that near the glass-coating interface the coating is "predominately silicon oxide," while at the opposite surface of the coating the composition of the coating is "predominately tin oxide" (paragraph bridging columns 4 and 5) "Predominate" is defined as "To be of or have greater quantity or importance." "Predominately" does not specifically teach the substantial exclusion of silicon oxide or tin oxide. For example, a layer composition comprising 45% silicon oxide and 55% tin oxide is predominately tin oxide, but silicon oxide is certainly not substantilly excluded from the composition.
Athey also discloses that the weight percent of the silicon oxide in the outermost region approaches zero and the weight percent of tin oxide approaches one hundred (paragraph bridging columns 4 and 5). "Approach" is defined as "To come or go nearer to." The phrase "approaches zero" does not specifically teach "substantially zero." For example, one may approach zero by reducing 45% to 25%, but 25% is not substantially zero.
Regarding the 35 USC 103(a) rejection of claims 61 and 66, the applicant asserts that McKown teaches away from the deposition of a color suppresion layer. The examine respectfully disagrees. In column 5, lines 15-22, McKown clearly discloses that a color suppresion layer may be deposited.
The applicant also asserts that McKown fails to teach a color suppresion layer thickness of between 50 and 3000A. The examiner respectfully disagrees. In column 2, lines 27-30, McKown discloses that it is known in the art that a color suppresion layer thickness should be one quarter lambda with a permissable deviation of from 75% to 130% of lambda/4.

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